

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

AMERICAN GENERAL LIFE)
INSURANCE COMPANY,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION NO.
) 2:06cv151-MHT
)
 FREIGHT PRO. INC., and)
 THE ESTATE OF JAMES B.)
 PINCKARD,)
)
 Defendants.)

REPORT OF THE PARTIES' PLANNING MEETING

- 1 Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on April 14, 2006 and was attended by:
 - a) David P. Donahue for Plaintiff American General Life Insurance Company;
 - b) Allen C. Jones for Defendant Estate of James B. Pinckard;
- 2 **Pre-discovery Disclosures.** The parties will exchange by May 5, 2006 the information required by Local Rule 26.1.
- 3 **Discovery Plan.** The parties jointly propose to the court the following discovery plan:
 - a) Discovery will be needed on the following subjects:
 - i) The allegations in the Plaintiffs' Complaint;
 - ii) The allegations in the Defendant's Answer;
 - b) All discovery commenced in time to be completed by November 3, 2006.

- c) Maximum of 30 interrogatories by each party to any other party, exclusive of requests for authenticity. Maximum of 30 requests for production. Responses due 30 days after service.
- d) Maximum of 30 requests for admission by each party to any other party, exclusive of requests for authenticity. Responses due 30 days after service.
- e) Plaintiff may take a maximum of four (4) depositions for each Defendant.
 - i) Each deposition limited to maximum of 7 hours, unless extended by agreement of parties. The parties contemplate that certain key depositions may extend beyond 7 hours.
- f) Defendants may take a maximum of six (6) depositions, not to include nor limit the number of depositions of any expert witness.
 - i) Each deposition limited to maximum of 7 hours, unless extended by agreement of parties. The parties contemplate that certain key depositions may extend beyond 7 hours.
- g) Reports from retained experts under Rule 26(a)(2) due:
 - i) by June 5, 2006, if report relates to a party's affirmative claims;
 - ii) by July 5, 2006, if the report is responsive to another party's Rule 26(a)(2) report.
- h) Depositions of experts:
 - i) Defendants will take the plaintiffs' experts' depositions by August 31, 2006.
 - a. Plaintiff will take defendant's experts' depositions by September 15, 2006.
 - ii) Supplementation under Rule 26(e) due by September 18, 2006.

4 **Other Items.**

- a) The parties DO request a conference with the court before entry of the scheduling order.
- b) The parties request a pretrial conference on November 6, 2006.
- c) Parties should be allowed until June 30, 2006 to join additional parties or to otherwise amend the pleadings. A party has 14 days (unless granted additional leave of Court) to respond to any amended pleadings.
- d) All dispositive motions should be filed by September 8, 2006.
- e) Settlement cannot be evaluated prior to undertaking substantial discovery.
- f) Final lists of witnesses and exhibits under Rule 26(a)(3) should be due
 - i) From plaintiff(s): witnesses thirty (30) days prior to the beginning of the trial term; exhibits thirty (30) days prior to the beginning of the trial term;
 - ii) From defendant(s): witnesses thirty (30) days prior to the beginning of the trial term; exhibits thirty (30) days prior to the beginning of the trial term;
- g) Parties should have 15 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- h) The case should be ready for trial by December 11, 2006 and at this time is expected to take approximately 2 days.

Respectfully submitted, this 17th day of April 2006.

/s/ David P. Donahue
David P. Donahue

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/s/ Allen C. Jones

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